

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America)

v.)

Livingston Bernard)

Case No: 1:00-CR-023-03

USM No: 09997-067

Date of Previous Judgment: January 3, 2001)

Heidi R. Freese, Assistant Public Defender

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 151 months is reduced to 121 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 33Amended Offense Level: 31Criminal History Category: IICriminal History Category: IIPrevious Guideline Range: 151 to 188 monthsAmended Guideline Range: 121 to 151 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):**III. ADDITIONAL COMMENTS**

This order disposes of doc. 130.

FILED

HARRISBURG, PA

MAY 16 2008

JOYCE E. D'ANDREA, CLERK
Deputy Clerk

Except as provided above, all provisions of the judgment dated Jan. 3, 2001 shall remain in effect.**IT IS SO ORDERED.**Order Date: May 15, 2008

William W. Caldwell
Judge's signature

Effective Date: _____
(if different from order date)

William W. Caldwell, United States District Judge
Printed name and title